

**ASSEMBLY BILL**

**No. 900**

**Introduced by Assembly Member Benoit**

February 18, 2005

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An act to amend Section 830.11 of the Penal Code, relating to investigators.

LEGISLATIVE COUNSEL'S DIGEST

AB 900, as introduced, Benoit. Investigators: Department of Food and Agriculture.

Existing law specifies certain persons who, although not peace officers, are authorized to exercise the powers of arrest, to serve search warrants, and to receive state summary criminal history information, as specified.

This bill would add to the list of persons so authorized investigators, investigator supervisors, and investigator managers who are employed by the Department of Food and Agriculture and designated by the Secretary of Food and Agriculture, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 830.11 of the Penal Code, as amended
- 2 by Section 4 of Chapter 890 of the Statutes of 2003, is amended
- 3 to read:
- 4 830.11. (a) The following persons are not peace officers but
- 5 may exercise the powers of arrest of a peace officer as specified
- 6 in Section 836 and the power to serve warrants as specified in
- 7 Sections 1523 and 1530 during the course and within the scope

1 of their employment, if they receive a course in the exercise of  
2 those powers pursuant to Section 832. The authority and powers  
3 of the persons designated under this section shall extend to any  
4 place in the state:

5 (1) Persons employed by the Department of Financial  
6 Institutions designated by the Commissioner of Financial  
7 Institutions, provided that the primary duty of these persons shall  
8 be the enforcement of, and investigations relating to, the  
9 provisions of law administered by the Commissioner of Financial  
10 Institutions.

11 (2) Persons employed by the Department of Real Estate  
12 designated by the Real Estate Commissioner, provided that the  
13 primary duty of these persons shall be the enforcement of the  
14 laws set forth in Part 1 (commencing with Section 10000) and  
15 Part 2 (commencing with Section 11000) of Division 4 of the  
16 Business and Professions Code. The Real Estate Commissioner  
17 may designate persons under this section, who at the time of their  
18 designation, are assigned to the Special Investigations Unit,  
19 internally known as the Crisis Response Team.

20 (3) Persons employed by the State Lands Commission  
21 designated by the executive officer, provided that the primary  
22 duty of these persons shall be the enforcement of the law relating  
23 to the duties of the State Lands Commission.

24 (4) Persons employed as investigators of the Investigations  
25 Bureau of the Department of Insurance, who are designated by  
26 the Chief of the Investigations Bureau, provided that the primary  
27 duty of these persons shall be the enforcement of the Insurance  
28 Code and other laws relating to persons and businesses, licensed  
29 and unlicensed by the Department of Insurance, who are engaged  
30 in the business of insurance.

31 (5) Persons employed as investigators and investigator  
32 supervisors of the Consumer Services Division or the Rail Safety  
33 and Carrier Division of the Public Utilities Commission who are  
34 designated by the commission's executive director and approved  
35 by the commission, provided that the primary duty of these  
36 persons shall be the enforcement of the law as that duty is set  
37 forth in Section 308.5 of the Public Utilities Code.

38 (6) (A) Persons employed by the State Board of Equalization,  
39 Investigations Division, who are designated by the board's  
40 executive director, provided that the primary duty of these

1 persons shall be the enforcement of laws administered by the  
2 State Board of Equalization.

3 (B) Persons designated pursuant to this paragraph are not  
4 entitled to peace officer retirement benefits.

5 *(7) Persons employed by the Department of Food and*  
6 *Agriculture and designated by the Secretary of Food and*  
7 *Agriculture as investigators, investigator supervisors, and*  
8 *investigator managers, provided that the primary duty of these*  
9 *persons shall be enforcement of, and investigations relating to,*  
10 *the Food and Agricultural Code or Division 5 (commencing with*  
11 *Section 12001) of the Business and Professions Code.*

12 (b) Notwithstanding any other provision of law, persons  
13 designated pursuant to this section may not carry firearms.

14 (c) Persons designated pursuant to this section shall be  
15 included as “peace officers of the state” under paragraph (2) of  
16 subdivision (c) of Section 11105 for the purpose of receiving  
17 state summary criminal history information and shall be  
18 furnished that information on the same basis as peace officers of  
19 the state designated in paragraph (2) of subdivision (c) of Section  
20 11105.

21 (d) This section shall remain in effect until January 1, 2010,  
22 and as of that date shall be repealed.

23 SEC. 2. Section 830.11 of the Penal Code, as added by  
24 Section 5 of Chapter 890 of the Statutes of 2003, is amended to  
25 read:

26 830.11. (a) The following persons are not peace officers but  
27 may exercise the powers of arrest of a peace officer as specified  
28 in Section 836 and the power to serve warrants as specified in  
29 Sections 1523 and 1530 during the course and within the scope  
30 of their employment, if they receive a course in the exercise of  
31 those powers pursuant to Section 832. The authority and powers  
32 of the persons designated under this section shall extend to any  
33 place in the state:

34 (1) Persons employed by the Department of Financial  
35 Institutions designated by the Commissioner of Financial  
36 Institutions, provided that the primary duty of these persons shall  
37 be the enforcement of, and investigations relating to, the  
38 provisions of law administered by the Commissioner of Financial  
39 Institutions.

(2) Persons employed by the Department of Real Estate designated by the Real Estate Commissioner, provided that the primary duty of these persons shall be the enforcement of the laws set forth in Part 1 (commencing with Section 10000) and Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code. The Real Estate Commissioner may designate persons under this section, who at the time of their designation, are assigned to the Special Investigations Unit, internally known as the Crisis Response Team.

(3) Persons employed by the State Lands Commission designated by the executive officer, provided that the primary duty of these persons shall be the enforcement of the law relating to the duties of the State Lands Commission.

(4) Persons employed as investigators of the Investigations Bureau of the Department of Insurance, who are designated by the Chief of the Investigations Bureau, provided that the primary duty of these persons shall be the enforcement of the Insurance Code and other laws relating to persons and businesses, licensed and unlicensed by the Department of Insurance, who are engaged in the business of insurance.

(5) Persons employed as investigators and investigator supervisors of the Consumer Services Division or the Rail Safety and Carrier Division of the Public Utilities Commission who are designated by the commission's executive director and approved by the commission, provided that the primary duty of these persons shall be the enforcement of the law as that duty is set forth in Section 308.5 of the Public Utilities Code.

*(6) Persons employed by the Department of Food and Agriculture and designated by the Secretary of Food and Agriculture as investigators, investigator supervisors, and investigator managers, provided that the primary duty of these persons shall be enforcement of, and investigations relating to, the Food and Agricultural Code or Division 5 (commencing with Section 12001) of the Business and Professions Code.*

(b) Notwithstanding any other provision of law, persons designated pursuant to this section may not carry firearms.

(c) Persons designated pursuant to this section shall be included as "peace officers of the state" under paragraph (2) of subdivision (c) of Section 11105 for the purpose of receiving state summary criminal history information and shall be

- 1 furnished that information on the same basis as peace officers of
- 2 the state designated in paragraph (2) of subdivision (c) of Section
- 3 11105.
- 4 (d) This section shall become operative on January 1, 2010.